

MAIL STOP AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : Roberts, Timothy
Serial No. : 10/720,856
Filed : November 24, 2003
For : Customer Billing in a Communications Network
Examiner : Olabode Akintola
Art Unit : 3691
Customer number : 23644
Attorney Docket No. : 920476-95165

RESPONSE TO FINAL OFFICE ACTION DATED OCTOBER 7, 2008

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the final Office Action of October 7, 2008, the Examiner continues to apply Nauer published US Application No. US 2002/0161601 A1 when rejecting the claims of the application under 35 U.S.C. §103(a). Reconsideration is requested.

The effective date of Nauer as a reference is January 30, 2002. The invention of the present application was filed as provisional Application No. 60/355,221 on February 8, 2002, therefore barely over a week later than the effective date of Nauer.

The invention of the present application was made before January 30, 2002. Submitted herewith is a Declaration of the inventor, Timothy Roberts, to that effect, having appropriate evidence pursuant to 37 C.F.R. §1.131 to establish the invention and show diligence to the filing of the provisional application on February 8, 2002. The Declaration explains its various attachments (Exhibits A-H). Please note that in

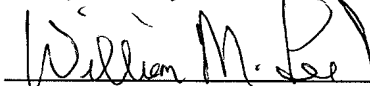
Exhibit F, the invention disclosure of February 7, 2002, certain sections regarding Nortel internal information and having nothing to do with the invention have been redacted.

Nauer has therefore been overcome as a reference, and it is therefore submitted that this application is in condition for allowance. The Examiner's further and favorable reconsideration in that regard is urged.

As this Response is being submitted during the fifth month following the Examiner's Office Action, an appropriate Petition for Extension of Time is also submitted herewith.

March 2, 2009

Respectfully submitted,



William M. Lee, Jr.

Registration No. 26935

Barnes & Thornburg LLP

P.O. Box 2786

Chicago, Illinois 60690-2786

(312) 214-4800

(312) 759-5646 – Fax